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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,374	03/27/2001	Xiao-Dong Sun	RD-27727	3259
6147	7590	01/11/2005		EXAMINER
				MACCHIAROLO, PETER J
			ART UNIT	PAPER NUMBER
				2879

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A7K

Office Action Summary	Application No.	Applicant(s)	
	09/681,374	SUN ET AL.	
	Examiner	Art Unit	
	Peter J Macchiarolo	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2 and 4-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledged Receipt

1. Receipt is acknowledged of the amendment to the claims and remarks related to the previous rejection, all of which were filed on 12/13/2004. The finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's submission after final filed has been entered and considered. However, the indicated allowability of claim 2 is withdrawn in view of the newly discovered reference to Lee et al (USPN 6346775). Rejections based on the newly cited reference to pending claims 2, and 4-6 follow.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electron emitter and gas discharge device (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Further, "Figure" should be labeled "Figure 1."

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over previously cited Tsai (PGPUB 20020121856; "Tsai") in view of Lee et al (USPN 6346775; "Lee").

6. In regards to claims 2 and 4, Tsai shows in figure 2a, a composition for electron emitters (120) of a gas discharge device (100) comprising carbon nanotubes (125, which are known to have a diameter between about 1 and 10 nm), and said composition is coated on said electron emitters.

7. Tsai is silent to the composition further comprising alkaline-earth metal oxides.

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8. However, Lee teaches that the addition of CaO to carbon nanotubes lowers a driving voltage and ultimately improves luminance in a gas discharge device.¹

9. Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the composition of Tsai with the alkaline-earth metal oxide of Lee to improve the luminance of a gas discharge device.

10. Regarding claims 5 and 6, Tsai is silent to the amount of carbon nanotubes that are needed in the composition to produce a workable electron stream for the gas discharge device.

11. However, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

In re Aller, 105 USPQ 233. One of ordinary skill would be motivated to formulate this specific composition for a variety of reasons, including material availability and proper operating procedures.

12. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the gas discharge device of Tsai, with a proportion of carbon nanotubes in the composition being in a range from 5% to 90%, since discovering the optimum or workable ranges involves only routine skill in the art.

¹ Lee, col. 2, ll. 21-35.

Response to Arguments

13. Applicant's remarks filed 12/13/2004 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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JOSEPH WILLIAMS
PRIMARY EXAMINER